

**Department of Fair Employment and Housing**

**GUIDELINES FOR RELEASE OF CASE INFORMATION**

	<b>CALIFORNIA PUBLIC RECORDS ACT</b>	<b>INFORMATION PRACTICES ACT</b>
<p>Pre-Complaint Questionnaire; Complaint; Case Diary; Service Letter; Consultant Notes:</p> <ul style="list-style-type: none"> <li>- Respondent's response</li> <li>- Witness interviews</li> <li>- Observations</li> <li>- Impressions</li> <li>- Opinions</li> <li>- Research</li> <li>- Theories</li> <li>- 14-day letter</li> <li>- Draft closing memo</li> <li>- Closing memo</li> <li>- Progress report</li> </ul>	<p><u>OPEN CASE</u>: Exempt from disclosure because public interest in preventing interference with integrity of investigation outweighs public interest served by disclosure of the record. (Gov. Code, § 6255.)</p> <p><u>CLOSED CASE</u>: Disclose, but redact information related to personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code, § 6254, subd. (c).)</p>	<p><u>OPEN CASE</u>: Exempt from disclosure so as not to compromise the investigation. (Civ. Code, § 1798.40, subd. (d).)</p> <p><u>CLOSED CASE</u>: Disclose, but redact all identifying information about everyone other than requestor. (Civ. Code, §§ 1798.24, 1798.42, 1798.3.)</p>
Settlement Agreements	<p>Disclose if it does not contain a confidentiality clause.</p> <p>(These will be closed cases.)</p>	Disclose if requestor is an individual signatory.
Information gathered in the course of efforts to eliminate unlawful practice through conference, conciliation, and persuasion	<u>OPEN AND CLOSED CASES</u> : Exempt from disclosure under Government Code sections 6254, subdivision (k), and 12963.7, and Evidence Code section 1040, subdivision (b)(1).	Exempt from disclosure under Civil Code section 1798.40, subdivision (h), and Government Code section 12963.7.

**\*SUBPOENA** – Custodian of Records is referred to Directive 603

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<ul style="list-style-type: none"><li>- Medical reports</li><li>- Personnel files</li><li>- Similar files, the disclosure of which would constitute an unwarranted invasion of privacy.</li></ul>	<u>OPEN AND CLOSED CASES</u> : Exempt from disclosure, except under Government Code section 6254, subdivision (c).	Disclose, unless there is a determination that disclosure would be detrimental to individuals. (Civ. Code, § 1798.40, subd. (f).)
<ul style="list-style-type: none"><li>-Attorneys Notes/Memos</li><li>-Legal Opinions</li></ul>	<p>Exempt from disclosure premised on work product rule. (Gov. Code, § 6254, subd. (k); Code Civ. Proc., § 2018.030; Evid. Code §§ 1040, subd. (b)(1), and 952, et seq.)</p> <p>Post-accusation documents are also exempt under Government Code section 6254, subdivision (b); Evidence Code section 1040, subdivision (b)(1). (But see Attorney General's Opinion 87 Ops. Cal. Atty. Gen. 704 (1988).)</p>	Exempt from disclosure under Civil Code section 1798.40, subdivision (h).
Communication between Legal and Enforcement staff.	Exempt from disclosure under Government Code section 6254, subdivision (k), premised on Evidence Code section 952, et seq.	Exempt from disclosure under Civil Code section 1798.40, subdivision (h), premised on Evidence Code section 952, et seq.

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All Applications and records concerning any individual made or kept by any public officer or agency in connection to the provision of any form of public social service (e.g. Calworks, food stamp programs, Adult Protective Services, Child Protective Services, transitional housing, group homes, etc.)	<u>OPEN AND CLOSED CASES:</u> Exempt from disclosure under Welfare and Institutions Code section 10850 (a)-(b).	<u>OPEN AND CLOSED CASES:</u> Exempt from disclosure under Welfare and Institutions Code section 10850 (a)-(b).
Any other documents received by Department	<p><u>OPEN CASE:</u> Exempt from disclosure because public interest in preventing interference with integrity of investigation outweighs public interest served by disclosure of the record. (Gov. Code, § 6255.)</p> <p><u>CLOSED CASE:</u> Disclose, but redact information related to personal<sup>1</sup>, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code, § 6254, subd. (c).)</p>	<p><u>OPEN CASE:</u> Exempt from disclosure so as not to compromise the investigation. (Civ. Code, § 1798.40, subd. (d).)</p> <p><u>CLOSED CASE:</u> Disclose, but redact all identifying information about everyone other than requestor. (Civ. Code, §§ 1798.24, 1798.42.)</p>

<sup>1</sup> "Personal Information" includes any information that identifies or describes an individual, including, but not limited to his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history.